

# UTAH DEPARTMENT OF TRANSPORTATION

## TITLE VI REQUIREMENTS FOR FTA SUB-RECIPIENTS

Purpose: The purpose of these instructions are to provide guidance and instructions necessary to carry out Title VI of the Civil Rights Act of 1964, as amended, as it applies to FTA sub-recipients, through the prescription of requirements and procedures which, if followed, will ensure that no person in the United States shall, on the grounds of race, color, creed or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the Federal Transit Administration.

All programs administered by Federal Transit Administration (FTA) are subject to Title VI of the Civil Rights Act of 1964, as amended, and the implementing regulations issued by the Department of Justice (DOJ) (28CFR Part 42, Subpart F) and the Department of Transportation (DOT) (49 CFR Part 21). This includes the assistance programs authorized by the UMT Act of 1964, as amended. Copies of these references are available upon request.

**NOTE: THE FIVE PARTS OF THIS INSTRUCTION PACKET WHEN FOLLOWED WILL ENABLE THE FTA SUB-RECIPIENT TO BE IN COMPLIANCE WITH THE CIVIL RIGHTS ACT OF 1964 TITLE VI PROGRAM.**

**PART 1** of this packet describes the general reporting requirements needed to build the Title VI report. This report is required under the DOJ regulation and must be submitted prior to the approval of any grant application. Sub-recipients should provide updated information as conditions warrant. Updates must at a minimum be provided every 3 years. Information previously submitted may be referenced in subsequent submissions, as appropriate.

**PART 2** Sub-recipients must have a monitoring program designed to track Title VI activities and requirements. Included is a list of needed items.

**PART 3** deals with procedures on how to handle discrimination complaints.

**PART 4** describes how UDOT will conduct compliance reviews.

**PART 5** is a set of accompanying appendices.

## **PART 1 LIST OF ITEMS FOR TITLE VI REPORT**

1. Name and address of agency submitting report.
2. Name and title of person compiling report.
3. Submission date of report.
4. List of any active lawsuits or complaints naming the sub-recipient which allege discrimination on the basis of race, color, or national origin with respect to service or other transit related benefits.
5. Should a complaint be filed, it should include:
  - Ž Date the lawsuit or complaint was filed;
  - Ž Summary of the allegation;
  - Ž Status of the lawsuit or complaint, including whether the parties to a lawsuit have entered into a consent decree.

This information should be relevant to the organizational entity actually submitting the report, not necessarily the larger agency or department of which the entity is apart.
6. A description of all pending applications for financial assistance, and all financial assistance currently provided by other federal agencies. This information will be maintained and made available to UDOT upon request. Again, this information should be relevant to the organizational entity actually submitting the report, not necessarily the larger agency or department of which the entity is a part.
7. A summary of all civil rights compliance review activities conducted in the last 3 years. The summary should include:
  - Ž Purpose or reason for the review;
  - Ž Name of the agency or organization that performed the review;
  - Ž Summary of finding and recommendations of the review;
  - Ž Report on the status and/or disposition of such findings and recommendations.
8. A signed FTA Civil Rights Assurance that all records and other information required under FTA circular #C 4702.1 Appendix A, (see part 5) have been or will be compiled, as appropriate, and maintained by the sub-recipient.
9. A signed standard DOT Title VI Assurance. This assurance will be maintained as part of the FTA “One-Time Submission” file to be found in Appendix B. (see part 5)

10. For construction projects, a fixed-facility impact analysis to assess the effects on minority communities. If this information has been prepared as a result of an environmental assessment or environmental impact statement, the sub-recipient should reference the relevant information by document, page number and date of submission to FTA. The analysis should include:
- Ž A discussion of the potential impact on minority communities and minority-owned businesses during and after construction;
  - Ž A discussion of all potential negative environmental impact, such as noise, air, or water pollution;
  - Ž A detailed list of minority-owned businesses and households that will be affected by the construction project;
  - Ž A description of other significant changes or impacts on the minority community, such as increased traffic, reductions in the amount of available parking, etc.;
  - Ž A description of the relocation program and/or other measures adopted by the sub-recipient that will be used to mitigate any identified adverse social, economic, or environmental effect of the proposed construction project.

**NOTE:** Again, this information should be relevant to the organizational entity contracting with UDOT and not necessarily the larger agency or department of which the entity is a part.

## **PART 2. LIST OF ITEMS FOR MONITORING PROCEDURES**

This section provides guidance to sub-recipients for their responsibilities in assuring FTA and UDOT that transit services and related benefits are provided on a nondiscriminatory manner consistent with Title VI. It also gives the sub-recipient the contents needed to have an ongoing monitoring program.

### **REQUIREMENTS FOR TRANSIT PROVIDERS**

1. Sub-recipients shall maintain subject records and other related information. Sub-recipients shall submit all requested Title VI reports, compliance reports, and other information as directed. This information may also be available to the public upon request.
2. Sub-recipient shall make available to participants, beneficiaries, and other interested parties information regarding the sub-recipients Title VI program. At a minimum, this shall include the display of posters which:
  - Ž State that the sub-recipient operates programs subject to the nondiscrimination requirements under Title VI; (see Attachment for Statement of Rights, Appendix D, use as applicable)
  - Ž Explain the availability of Title VI information
  - Ž Brief explanation on how to file a Title VI complaint

3. Where a significant number or portion of the population eligible to be served needs service or information in a language other than English to participate in FTA assisted programs, the sub-recipient shall take every reasonable step to provide the information in appropriate languages.
4. Any and all deeds, licenses, leases, permits, or similar instruments entered into by the sub-recipient shall include specific language and clauses as outlined in FTA Circular #C 4702.1, Appendix C (See part 5).

### **PART 3. TITLE VI DISCRIMINATION COMPLAINTS**

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin with respect to service or other transit related benefits may file a written complaint with FTA or the Secretary of Transportation. A complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

UDOT recommends that all Title VI complaints be resolved at the local level whenever possible. It is also recommended that the sub-recipients have in place a policy, procedure, and a Board to handle complaints.

Complaints filed must include the following information:

- Ž All complaints must be in writing and signed and dated by the complainant or his/her representative before action can be taken.
- Ž Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

For those complainants who are not satisfied with the outcome on the local level, the complaint can be submitted to FTA or the Secretary of Transportation.

**NOTE:** In cases where the complainant is unable or incapable of providing a written statement, but wishes FTA or DOT to investigate alleged discrimination, a verbal complaint of discrimination may be made to the FTA Director, Office of Civil Rights. If necessary, the Civil Rights official will assist the person in converting the verbal complaint into writing. All complaints must, however, be signed by the complainant or his/her representative.

FTA Civil Rights Office Address: Federal Transit Administration, Region VIII  
Columbine Place  
216 16<sup>th</sup> Street Suite 650  
Denver, CO 80202  
ATTN: Civil Rights Officer  
Telephone: (303) 844-3242

#### **PART 4. UDOT MONITORING AND COMPLIANCE REVIEWS**

Compliance reviews will be periodically conducted by UDOT Transit Unit staff. Areas they will be reviewing are:

- Ž Review files for descriptions of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies.
- Ž Inspection of all materials pertaining to implementation of Title VI and verification that all service standards are being implemented consistent with Title VI program
- Ž Review any and all Title VI complaints and their outcomes. Make comments and advise sub-recipient of any needed follow-up action.
- Ž Inquire about any problems involving service delivery to the minority community and their possible solution.
- Ž Review other information necessary for compliance with Title VI program.

Upon conclusion of review, UDOT will issue a compliance report. This report will contain the sub-recipient's state of compliance, including recommendations and corrective actions regarding the Title VI program. Failure to submit requested information may delay consideration of any pending grant or grant application.

#### **PART 5 APPENDICES.**

For copies of all appendices, call Glenda Seelos at UDOT. Telephone number (801) 965-4141.